

THE CITY COUNCIL /RDA BOARD MET IN REGULAR SESSION ON THE 22ND DAY OF SEPTEMBER, 2009 AT 6:30 P.M. AT THE CITY HALL COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CLOSED SESSION-5:30 --P.M.

CALL TO ORDER.

The Closed Session portion of the agenda was called to order at 5:30 p.m.

ATTENDANCE.

Mayor:	David B. Ouzan
Councilman:	Luis J. Castro
Councilman:	Daniel Romero
Councilman:	Louis Fuentes

ABSENT:

Mayor Pro Tem: John Moreno

Mayor Pro Tem Moreno arrived at 8:10 p.m.

The City Council convened into Closed Session at 5:30 p.m. to discuss the following:

- A. Conference with Labor Negotiators
Agency Representatives: Jennifer Lyon, Victor Carrillo, Judith Hashem
Employee Organizations: SEIU/CMEA; Water/Wastewater Operators Assoc.; Supervisors Assoc.;
Police Officers Assoc.; Fire fighters Assoc. and Unrepresented Employees.
- B. Conference with Legal Counsel-Existing Litigation (7 cases)
 - (1) Rivera et. Al. v. City of Calexico (09 CV 1422 JLS AJB)
 - (2) Alarcon et al. v. City of Calexico (09 CV 1170 WWMC)
 - (3) Orozco v. City of Calexico 09 CV 1170 WWMC)
 - (4) Calexico Police Officers Association v. City of Calexico (ECU 05456)
 - (5) Calexico Firefighters Association v. City of Calexico (PERB LA-CE-556-M)
 - (6) Citizens for Honesty and Integrity in Calexico v. City of Calexico
 - (7) Victoria Place v. City of Calexico
- C. Conference with Legal Counsel-Anticipated Litigation-Significant exposure to litigation pursuant to subdivision (b)(3)(a) of Government Code Section 54956.9 (1 case)
- D. Conference with Legal Counsel --Anticipated Litigation-Initiation of litigation pursuant to subdivision © of Govt. Code Section 54956.9 (1 case)
- E. City Employee Performance Evaluation
Title: City Manager

The City Council reconvened from Closed Session at 6:45 p.m. and no reportable action was taken on Items A & D, direction was given. Item B will be continued until the end of the regular meeting.

REGULAR MEETING-6:30 P.M.

CALL TO ORDER.

The meeting was called to order at 6:45 p.m. by Mayor Ouzan and those present were led in the Pledge of Allegiance.

ATTENDANCE (The following Council members were present-Romero, Fuentes, Ouzan, Castro. Mayor Pro Tem Moreno arrived at 8:10 p.m.)

APPROVAL OF AGENDA.

A motion was made by Councilman Fuentes, seconded by Councilman Castro and passed unanimously to approve the agenda as presented.

PRESENTATIONS:

Mayor presented certificates and a check to the following employees of the quarter; Mary Barker, Finance Department, first quarter; Martha Gutierrez, Finance Department, second quarter and Lupita Martinez, Human Resources Dept., third quarter.

Mr. Roberto Valero, Imperial Valley Economic Research Institute, proceeded to make a power point presentation to assist the city in increasing sales. Mayor thanked Mr. Valero for his presentation.

ANNOUNCEMENTS/PUBLIC COMMENTS

Mr. Benny Horton, 1032 Spud Moreno, passed out information regarding cities going bankrupt. He thanked the Council for trying to prevent this in Calexico because this is what can happen if the city does not begin to watch what is being spent. Perhaps the Council terms can be limited to two years instead of four. He feels the Council is trying to do what is best for the city.

Mr. Pablo Virgen, 1313 Rainpath, representing Calexico Towing Service, asked about the towing services for the city. He as informed that the Chief of Police is working on this. City Attorney informed the ordinance will go into effect in approximately 15 days. The Council will set fees at the next meeting. A request for bids from the towing companies will be going out in the next few weeks.

CONSENT AGENDA.

A motion was made by Councilman Romero, seconded by Councilman Fuentes and passed unanimously to approve the Consent Agenda consisting of the following: City Council minutes for June 16, 2009; Warrants for the month of August 2009; Approved alcohol beverage license for Quick Stuff 7757 on Birch St.; Accepted grant award from U.S. FEMA to the Police Department in the amount of \$1,031,458.20 and a supplemental grant in the amount of \$570,139.78 to be used for police overtime and equipment; Approve, accept and adopt the recordation of right-of-way easement dedication from Imperial Asset Management LLC for the installation of a water distribution main line on Cole Blvd; Awarded bid in the amount of \$54,129.22 to Robinson Ford for two 2008 Ford Crown Victoria Police

interceptors; Award bid for one Mobile License Plate Reader System to Federal Signal Corporation (PIPS for the amount of \$24,032.66, funding to be paid for by the Justice Assistance Grant; Adopted resolution continuing the fiscal year 2008-09 annual budget until November 1, 2009; Adopted resolution approving and adopting a letter of intent to enter into a memorandum of understanding between the City and the Calexico Firefighter's Association and adopting the memorandum of understanding on behalf of the City if the Association fully satisfies the conditions of the letter of intent; Adopted resolution approving and adopting a memorandum of understanding between the City and the Calexico Police Officer's Association and authorizing the Mayor and the City Manager to sign the memorandum of understanding on behalf of the city; Adopted second reading, by title only, waived full reading of ordinance adopting a Master Fee Schedule and amending and repealing of various sections of the Calexico Municipal Code related to user fee rates; Adopted second reading of ordinance, by title only, waived full reading of ordinance repealing section 5.92.020 of chapter 5.92, amending section 9.12.010 of chapter 9.12 and repealing section 9.12.020 of chapter 9.12 of the Calexico Municipal Code related to enforcement against illegal taxicab companies.

ADOPT THE FINAL PROPOSAL TO BALANCE THE GENERAL FUND FOR FISCAL YEAR 2009-10.

City Manager advised Council that before them is a request to adopt the final proposal to balance the General Fund.

Councilman Fuentes stated that as part of restructuring there was going to be reorganization and asked if this could still be done. City Manager stated they can reorganize but it is premature to do this at this time and asked that the restructuring be delayed.

A motion was made by Councilman Fuentes, seconded by Councilman Castro and passed unanimously to adopt the final proposal to balance the General Fund for fiscal year 2009-10.

APPROVAL TO SET REGULAR CITY COUNCIL MEETINGS IN OCTOBER 2009 FOR TUESDAY, OCTOBER 13, 2009 AND TUESDAY, OCTOBER 27, 2009 THEREBY CANCELLING OCTOBER 6TH AND OCTOBER 20TH, 2009.

A motion was made by Councilman Fuentes, seconded by Councilman Castro and passed unanimously to set the regular City Council meetings in October for Tuesday, October 13th and Tuesday, October 27, 2009.

AUTHORIZE ENTERING INTO AN AGREEMENT WITH THE CALEXICO HOUSING AUTHORITY FOR ABOVE BASELINE POLICE SERVICES.

A motion was made by Councilman Fuentes, seconded by Councilman Romero and passed unanimously to table this item to the next regular council meeting.

CONSIDER ADOPTING FIRST READING BY TITLE ONLY, WAIVE FULL READING OF ORDINANCE AMENDING SECTION 2.04.110 AND 2.04.150 OF CHAPTER 2.04 OF THE CALEXICO MUNICIPAL CODE REGARDING SPEAKING RIGHTS OF MEMBERS AND ADDRESSING THE COUNCIL BY THE PUBLIC.

Councilman Romero stated that in all fairness to all council members, today and in the future, should be given an opportunity to discuss or contribute to any item on the agenda.

Mayor Ouzan stated he likes to give an opportunity for the council and the public to speak he also allows people to speak more than three minutes. He also stated that when a motion is made and seconded and there is a call for the vote, no more comments are allowed.

A motion was made by Mayor Ouzan, seconded by Councilman Castro to reject and deny the change in the ordinance. Voting was as follows:

AYES:	Fuentes, Ouzan, Castro
NOES:	Romero
AB SENT:	Moreno

Mayor Ouzan feels this ordinance is not appropriate because he always tries to allow everyone to speak, each Mayor is different and he believes there is no problem.

Councilman Fuentes stated that if there is an item that is important to a council member, that person should approach the Mayor and advise him he would like to discuss the item.

A motion was made by Councilman Romero to consider adopting first reading, by title only, waive full reading of the ordinance amending section 2.04.110 and 2.04.150 of chapter 2.04 of the Calexico Municipal Code regarding speaking rights of members and addressing the Council by the public. Motion died for lack of a second.

CONSIDER ADOPTING RESOLUTION REQUIRING BIDDERS FOR CITY PURCHASE ORDERS OR CONTRACTS TO POSSESS A CALEXICO BUSINESS LICENSE.

A motion was made by Councilman Fuentes, seconded by Mayor Ouzan and passed unanimously to adopt the next resolution in order requiring bidders for city purchase orders or contracts to possess a Calexico business license.

CONSIDER ADOPTING RESOLUTION TO APPLY A LOCAL VENDOR PREFERENCE TO THE CITY'S PURCHASING POLICY AND PROCEDURES.

Councilman Romero stated this is for local vendors to be given consideration if their bid is within 5% of the bid submitted by an out of town bidder.

Mayor Ouzan stated they would like to give opportunities to local businesses. Councilman Fuentes suggested including language in the resolution that says that the owner of the business bidding is a resident of the city.

City Attorney stated she would do some research on this.

A motion was made by Mayor Ouzan, seconded by Councilman Fuentes and passed unanimously to adopt the next resolution in order applying a local vendor preference to the city's purchasing policy and procedures.

CONSIDER ADOPTING RESOLUTION ADOPTING A POLICY ON INCOMPATIBLE ACTIVITIES FOR SPECIFIED CITY MANAGEMENT EMPLOYEES.

City Manager asked if this would apply to those employees that are in education and teach at IVC or SDSU because this does not conflict with their day job. Councilman Romero stated this would not be inclusive. Councilman Fuentes stated the City Manager should decide if the jobs are not appropriate.

Ms. Luz Flores, SEIU, spoke against the item and asked that the item be tabled. City Attorney advised this only pertains to Department Heads other employees are allowed to hold a second job.

Mayor Ouzan believes this is a management decision. He stated there are ordinances saying that employees should not be engaged in other duties. He stated that the economy is very hard and sometimes people need two or three jobs. He feels employees should be given an opportunity to work after working hours.

Councilman Romero stated this is for employees that perform a second job during working hours.

A motion as made by Councilman Romero, seconded by Councilman Fuentes and passed unanimously to have the City Manager handle this matter.

CONSIDER REQUESTING PINNACLE CLAIMS MANAGEMENT INCLUDE CLINICA SANTA MONICA AS AN APPROVED PROVIDER OF MEDICAL SERVICES FOR THE CITY OF CALEXICO.

City Manager gave a brief background on this item.

Councilman Fuentes stated he would like to see the Clinica's standards and fees and see them comply. If Clinica is willing to play by the rules he would like to give them that opportunity because the employees have asked for it.

A motion was made by Councilman Fuentes, seconded by Councilman Romero and passed unanimously to include Clinica Santa Monica as an approved provider of medical services for the City.

PROHIBITED TRUCK PARKING AREAS (10.32.040 CMC) AND AUTHORIZED TRUCK ROUTES (10.32.020 CMC)

City Manager gave a brief summary of this item.

Chief of Police stated they strongly enforce the truck parking on residential areas; there are some areas where trucks are allowed.

Ms. Hildy Carrillo Rivera, Executive Director of the Chamber of Commerce, stated there are several truck parking businesses that are members of the Chamber of Commerce and they are complaining that trucks park everywhere.

Councilman Romero asked that the presented ordinance be updated.

**PUBLIC HEARING-CALEXICO WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION;
ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE No. 2009011092)**

A motion was made by Councilman Romero, seconded by Councilman Castro and passed unanimously to adopt the next resolution in order for the Calexico Wastewater Treatment Plant upgrade and expansion.

INFORMATION ITEMS.

The City Council acknowledged receipt of the following information items: Schedule to complete the playground equipment installation at Reisin Field; Business Improvement District minutes for August 19, 2009; Business Improvement District minutes for August 26, 2009.

REDEVELOPMENT AGENCY AGENDA.

CONSENT AGENDA.

A motion was made by Councilman Romero, seconded by Councilman Fuentes and passed unanimously to approve the Consent Agenda consisting of the following: Set Public Hearing for October 13, 2009-proposed lease to Dole Fresh of Agency property located at 221 W. Second St. APN 058-400-43; Approved the sign rebate to Esquer Professional Building DBA Lorenz Insurance, Henry Esquer.

FIRST TIME HOME BUYER PROGRAM-INCREASE IN DOWN PAYMENT ASSISTANCE TO A MAXIMUM OF \$50,000 PER APPLICATION.

Councilman Romero stated this is something that was previously increased to \$100,000 then it was reduced to \$40,000 and reduced again to \$20,000, now they are asking to increase the amount to \$50,000. What is being done so this problem does not resurface.

Ms. Guerrero stated that if the money is no spent the State will take it back.

A motion as made by Councilman Fuentes, seconded by Councilman Castro and passed unanimously to increase the down payment assistance to \$25,000 or 10% of the value of the home not to exceed \$25,000.

Mayor Ouzan asked this item be brought back in six months.

CONSIDER PROVIDING AUTHORIZATION TO COMMISSION A STUDY FROM THE IMPERIAL VALLEY ECONOMIC RESEARCH INSTITUTE OR CESEEM FOR \$9,995 FOR THE SURVEY OF THE CALEXICO CONSUMER AND STATISTICAL DEMOGRAPHIC DATA ON PURCHASING TRENDS/HABITS/TENDENCIES AS WELL AS STUDY ON THE BORDER CROSSING PANORAMA, TO ENTICE SHOPPERS IN CALEXICO.

A motion was made by Councilman Fuentes, seconded by Mayor Ouzan to authorize to commission a study from the Imperial Valley Economic Research Institute or CESEEM for \$9,995 for the survey of the

Calexico Consumer and Statistical Demographic data on purchasing trends/habits/tendencies as well as study on the border crossing panorama, to entice shoppers in Calexico. Voting was as follows:

AYES:	Fuentes, Ouzan, Moreno, Castro
NOES:	Romero
ABSENT:	None

APPROVE THE 2009-2010 AGREEMENT FOR SERVICES WITH THE CALEXICO CHAMBER OF COMMERCE. ACCEPT UNAUDITED FINANCIAL ACTIVITY REPORTS.

A motion as made by Mayor Ouzan, seconded by Councilman Fuentes and passed unanimously to approve the 2009-2010 agreement for services with the Calexico Chamber of Commerce and accepted the unaudited financial activity reports and asked that the language pertaining to contribution to the Mariachi Festival be removed. Also that the word unaudited be removed.

CLOSED SESSION

The City Council convened into Closed Session at 8:13 p.m. to discuss the following:

Conference with Legal Counsel-Existing litigation (7 cases)

- (1) Rivera et al. v. City of Calexico (09 CV 1422 JLS AJB)
- (2) Alarcon et al. v. City of Calexico (09 CV 1170 WWMC)
- (3) Orozco v. City of Calexico (09 CV 1170 WWMC)
- (4) Calexico Police Officers Association v. City of Calexico (ECU 05456)
- (5) Calexico Firefighters Association v. City of Calexico (PERB LA CE 556 M)
- (6) Citizens for Honesty and Integrity in Calexico v. City of Calexico
- (7) Victoria Place v. City of Calexico

ADJOURNMENT.

There being no further business the meeting adjourned at 8:45 p.m. to October 13th, 2009 for a 5:30 p.m. Closed Session and the 6:30 p.m. open session.

David B. Ouzan, Mayor

Attest:

Lourdes Cordova, City Clerk

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